

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED

05 APR 18 AM 10:00

ROBERT R. DI TROIO
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W.D. OF TN, MEMPHIS

MONICA JOHNSON, Surviving Spouse,)
on her own behalf, and on behalf)
of XAVIER J. JOHNSON, JR., a minor,)
as mother, next friend, and natural)
guardian, as next kin of XAVIER)
JOHNSON, deceased,)

Plaintiff,)

v.)

No. 04-2374 Ma/P

CITY OF MEMPHIS, THE CITY OF)
MEMPHIS POLICE DIVISION, MELVIN)
RICE, individually and in his)
official capacity as an officer of)
the City of Memphis Police Dept.,)
KENNETH ADAMS, individually and in)
his official capacity as an officer)
of the City of Memphis Police Dept.,)

Defendants.)

**ORDER GRANTING DEFENDANT CITY OF MEMPHIS' MOTION TO DISMISS
PLAINTIFF'S CLAIM FOR PUNITIVE DAMAGES**

On December 6, 2004, defendant City of Memphis filed a motion to dismiss Johnson's claim against the City of Memphis for punitive damages. On January 26, 2005, Johnson filed a response stating that she "has taken the position that the City of Memphis is not liable for punitive damages. . . . We hereby dismiss that claim in our amended complaint as to the City of Memphis." Accordingly, the court GRANTS defendant City of Memphis' motion to dismiss

Plaintiff's claim against the City of Memphis for punitive damages.

So ordered this 15th day of April 2005.



SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 35 in case 2:04-CV-02374 was distributed by fax, mail, or direct printing on April 18, 2005 to the parties listed.

Javier M. Bailey
WALTER BAILEY & ASSOCIATES
100 North Main St.
Ste. 3002
Memphis, TN 38103

Henry L. Klein
APPERSON CRUMP & MAXWELL, PLC
6000 Poplar Ave.
Ste. 400
Memphis, TN 38119--397

Walter L. Bailey
WALTER BAILEY & ASSOCIATES
100 North Main St.
Ste. 3002
Memphis, TN 38103

Timothy P. Taylor
GODWIN MORRIS LAURENZI & BLOOMFIELD, P.C.
50 N. Front St.
Ste. 800
Memphis, TN 38103

Honorable Samuel Mays
US DISTRICT COURT